IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 390 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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DEPUTY ENGINEER (T)

Versus

RATNAKAR ICE AND COLD SOTRAGE

Appearance:

1. Appeal from Order No. 390 of 1995
MR DR DAVA for MR AD OZA for Petitioner No. 1
MR TUSHAR MEHTA for Petitioner No. 1,2-3
MR MA KHARADI for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 18/09/2001

ORAL JUDGEMENT

1. The appellants have filed this Appeal against the impugned order dated 5.10.1994 passed by the learned 2nd Joint Civil Judge (S.D.), Junagadh below Ex.5 in Special Civil Suit No.26 of 1994 whereby the learned judge partly allowed the application Ex.5 and directed the plaintiff to pay regular bill in future to the defendant Board as per consumption and the earlier ex-parte order passed below Ex.5 was made absolute till the final disposal of the Suit.

2. Along with this Appeal the appellant filed Civil Application No.3544 of 1995. The said Application was disposed of by the learned Single Judge of this Court on 2.8.1995 and the impugned order passed by the learned trial Judge has been stayed since then.

3. Having regards to the peculiar facts and circumstances of the case both the learned Counsel for the parties agreed that this Appeal be disposed of without going into legality and validity of the impugned order passed by the learned trial Judge with a direction to the learned Judge to dispose of main Special Civil Suit No.26 of 1994 at the earliest.

4. In view of above, this Appeal is disposed of without going into legality and validity of the impugned order passed by the learned Trial Judge with a direction to the learned Judge to dispose of Special Civil Suit No.26 of 1994 as early as possible, preferably before 30th April 2002. Till then the interim order passed by this Court on Civil Application No.3544 of 1995 shall continue.

5. Before parting, it is made clear that the learned trial Judge may consider and decide all the contentions raised before him including the question regarding jurisdiction without being swayed away with the observations made by the learned Judge while deciding the Application Ex.5.

Date : September 18, 2001 (B.J.Shethna, J.)

sas